

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Darryl R. Molden,	)	C/A No.: 1:19-2576-SVH
	)	
Plaintiff,	)	
vs.	)	
	)	ORDER
Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	
	)	

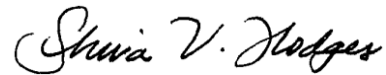
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This matter is before the court on Plaintiff's counsel's motion for fees. [ECF No. 25]. On July 16, 2020, the court reversed the Commissioner's decision that had denied Plaintiff's claim for social security disability benefits and remanded the case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). [ECF No. 23]. Plaintiff then properly filed and documented a request for fees of \$4,095.38 and \$16.00 in costs and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("the EAJA"), totaling \$4,111.38. [ECF No. 25]. The Commissioner filed a response indicating its consent to an award of \$4,111.38. [ECF No. 26]. Accordingly, the court grants the motion and directs the Commissioner to pay Plaintiff \$4,111.38. Such payment shall constitute a complete release from and bar to any and all further claims that Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision. This award is without prejudice to the rights of Plaintiff's counsel

to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528–29 (2010), EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Therefore, the court orders the EAJA fee to be made payable to Plaintiff and mailed to the business address of Plaintiff's counsel.<sup>1</sup>

IT IS SO ORDERED.



October 23, 2020  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge

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<sup>1</sup> Plaintiff's counsel may disburse these funds to satisfy valid liens or in accordance with a lawful assignment.